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NEW MEXICO  
ENVIRONMENT DEPARTMENT

*Hazardous Waste Bureau*

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Lieutenant Governor

RON CURRY  
Secretary

CINDY PADILLA  
Deputy Secretary

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

August 13, 2007

David Gregory  
Federal Project Director  
Los Alamos Site Office  
Department of Energy  
528 35<sup>th</sup> Street, Mail Stop A316  
Los Alamos, NM 87544

David McInroy  
Remediation Services Deputy Project Director  
Los Alamos National Laboratory  
P.O. Box 1663, MS M992  
Los Alamos, NM 87545

**RE: APPROVAL OF THE INVESTIGATION REPORT FOR CONSOLIDATED UNIT  
73-002-99 AND CORRECTIVE ACTION OF SOLID WASTE MANAGEMENT  
UNIT 73-002, AT TECHNICAL AREA 73, LOS ALAMOS NATIONAL  
LABORATORY (LANL),  
EPA ID #NM0890010515  
HWB-LANL-07-016**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) has received the United States Department of Energy (DOE) and the Los Alamos National Security LLC's (LANS) (collectively, the Permittees) *Investigation Report for Consolidated Unit 73-002-99 and Corrective Action of Solid Waste Management Unit 73-002, at Technical Area 73* (Report), dated July 2007 and referenced by LA-UR-07-4479/EP2006-1079. NMED has reviewed this document and hereby issues this Notice of Approval.

Consolidated Unit (CU) 73-002-99 is comprised of the following Solid Waste Management Units (SWMUs) and Area of Concern (AOC):

- SWMU 73-002 is a former incinerator and surface disposal area,
- AOC 73-003 is a former steam-cleaning facility (former building 00-1123) for garbage trucks,
- SWMU 73-004(a) is a former septic system that received sanitary waste from toilets and showers in the incinerator building,
- SWMU 73-004(b) was a concrete septic tank that discharged wash water from the steam-cleaning plant through a 6-in. vitrified clay pipe (VCP) drainline to an outfall on the slope of Pueblo Canyon and,
- SWMU 73-006 consisted of two drainlines that discharged to Pueblo Canyon from the incinerator.

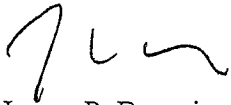
NMED has determined that the requirements of the March 1, 2005 Order on Consent (Order) have been satisfied for these sites. This letter serves as a "Corrective Action Complete with Controls" certificate of completion for SWMUs 73-002, 73-004(a), 73-004(b), 73-006, and AOC 73-003 pursuant to Section VII.E.6.b of the Order.

Although levels of arsenic in discrete locations exceed applicable residential cleanup levels (e.g., 13.2 mg/kg at location 73-27314 at SWMU 73-002 and 13 mg/kg at location 73-02216 at SWMU 73-004(b)), these locations are virtually inaccessible to human or ecological receptors. However, the potential for transport of contaminants down gradient via storm water exists. The Permittees shall therefore install permanent and appropriate storm water controls, which will prevent the down gradient transport of contaminants via storm water. The Permittees must submit a work plan for installation of the storm water controls by September 30, 2007. The work plan shall include a description of all controls proposed for installation at CU 73-002-99 and a proposed inspection schedule for the proposed controls. If the Permittees choose to remove any soil/tuff containing arsenic concentrations above residential screening levels in the future, NMED will consider withdrawal of the control requirement.

Messrs. Glenn and Watkins  
August 13, 2007  
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Please contact Kathryn Roberts at (505) 476-6041 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bearzi', with a stylized flourish at the end.

James P. Bearzi  
Chief  
Hazardous Waste Bureau

cc: D. Cobrain, NMED HWB  
K. Roberts, NMED HWB  
N. Dhawan, NMED HWB  
S. Yanicak, NMED DOE OB, MS J993  
L. King, EPA 6PD-N  
G. Rael, DOE LASO, MS A316  
S. Stiger, ENV MS J591  
file: Reading and LANL TA-50 '07 (SWMU; 50-009)

